



07-20-04

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PTO/SB/21 (02-04)

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/826,088
	Filing Date	April 16, 2004
	First Named Inventor	Christenson et al.
	Art Unit	3746
	Examiner Name	(TBA)
Total Number of Pages in This Submission	Attorney Docket Number	11738.00219

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Exp MI. #EL941344359US, Transmittal (in duplicate), Information Disclosure Statement, PTO/SB08A-B forms, 17 references, Return Receipt Postcard
<div>Remarks</div> <p>Please charge any additional fees or credit overpayment to Deposit Account No. 19-0733. A duplicate copy of this sheet is enclosed.</p>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Banner & Witcoff, Ltd. Robert H. Resis (Reg. No. 32,168)
Signature	
Date	July 19, 2004

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name			
Signature		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Attorney Docket No. 11738.00219)**

In the Application of:)
)
Christenson et al.)
) Group Art Unit: 3746
Serial No.: 10/826,088)
) Examiner: (TBA)
Filed: April 16, 2004)
)
For: Implantable Drug Delivery Device with)
Peristaltic Pump Having A Retractable)
Roller)

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §§1.97 and 1.98, applicants wish to make the following references of record in the above-identified application. These references may be material to the patentability of the presently pending claims. These references were cited in the parent application Serial No. 09/834,874. Copies of the non-U.S. patent references cited below are enclosed along with completed PTO/SB/08A-B forms listing all of the references.

U.S. PATENT DOCUMENTS

	<u>Patent Number</u>	<u>Inventor</u>	<u>Issue Date</u>
1.	2,804,023	J.C. Lee	08-27-57
2.	2,920,578	Schaurte	01-12-60
3.	3,644,068	Lepak	02-22-72
4.	3,822,948	Handl	07-09-74

U.S. PATENT DOCUMENTS

	<u>Patent Number</u>	<u>Inventor</u>	<u>Issue Date</u>
5.	3,885,894	Sikes	05-27-75
6.	3,918,453	Leonard	11-11-75
7.	3,927,955	Spinosa et al.	12-23-75
8.	3,960,466	Taylor	06-01-76
9.	3,963,023	Hankinson	06-15-76
10.	3,990,444	Vial	11-09-76
11.	4,012,177	Yakich	03-15-77
12.	4,013,074	G. G. Siposs	03-22-77
13.	4,256,437	Brown	03-17-81
14.	4,363,609	Consentino et al.	12-14-82
15.	4,525,164	Loeb et al.	06-25-85
16.	4,545,744	Weber et al.	10-08-85
17.	4,564,342	Weber et al.	01-14-86
18.	4,576,556	H. J. Thompson	03-18-86
19.	4,650,471	Tamari	03-17-87
20.	4,685,902	Edwards et al.	08-11-87
21.	4,692,147	Duggan	09-08-87
22.	4,950,136	Haas et al.	08-21-90
23.	5,064,358	Calari	11-12-91
24.	5,082,429	Soderquist et al.	01-21-92
25.	5,083,908	Gagnebin et al.	01-28-92
26.	5,096,393	Van Steenderen et al.	03-17-92
27.	5,125,801	Nabity et al.	06-30-92
28.	5,213,483	Flaherty et al.	05-25-93
29.	5,215,450	Tamari, Yehude	06-01-93
30.	5,266,013	Aubert et al.	11-30-93

U.S. PATENT DOCUMENTS

	<u>Patent Number</u>	<u>Inventor</u>	<u>Issue Date</u>
31.	5,405,614	D'Angelo et al.	04-11-95
32.	5,576,503	Nabity et al.	11-19-96
33.	5,578,001	Shah	11-26-96
34.	5,741,125	Neftel et al.	04-21-98
35.	6,752,930	Rise et al.	05-19-98
36.	5,840,069	Robinson	11-24-98
37.	5,915,932	Nabity et al.	06-29-99
38.	6,036,459	Robinson	03-14-2000
39.	6,626,867	Christenson et al	09-30-2003
40.	6,645,176	Christenson et al	11-11-2003
41.	6,745,204	Christenson et al	06-01-2004

FOREIGN PATENT DOCUMENTS

	<u>Patent Number</u>	<u>Publication Date</u>	<u>Patentee/Applicant</u>
42.	GB 681	05-01-1902	United Kingdom
43.	FR 2 021 524	07-24-70	Kustner Freres & Cie, S.A.
44.	DE 24 52 771 A1	05-13-76	Schollmeyer
45.	SU 547550	02-25-77	Earbheerb
46.	EP 0 174 535 A1	03-19-86	Linnhoff & Thesenfitz
47.	EP 0 239 255	09-30-87	McNellab, Inc.
48.	DE 3737023	07/14/88	Jenoptik Jena Gmbh
49.	EP 0 320 441	06-14-89	Gebruder Sulzer
50.	EP 0 344 640 A1	12-06-89	Valisi Giuseppe
51.	FR 2 644 853 A1	09-28-90	Asulab, S.A.
52.	EP 0 547 550 A1	06-23-93	Matsushita Electric
53.	FR 2 719 873 A1	11-17-95	Debiotech, S.A.

FOREIGN PATENT DOCUMENTS

	<u>Patent Number</u>	<u>Publication Date</u>	<u>Patentee/Applicant</u>
54.	FR 2 808 203	11-02-2001	Medtronic, Inc.
55.	DE 101 19 391	11-29-2001	Allgemeine Telefon-Fabrik

NON-PATENT LITERATURE DOCUMENTS

- 56. OEM Custom Pump Catalog, Supplement to Watson-Marlow Bredel OEM Catalog, Publication date 03/00
- 57. Sta-Pure Peristaltic Pump Tube, Watson-Marlow Bredel Pump Brochure
- 58. OEM: Peristaltic Pumps for Engineers, Watson-Marlow Limited Pump Brochure

In accordance with MPEP §§ 609 and 707.05(b), it is requested that the documents cited be given thorough consideration and that they be cited of record in the prosecution history of the present application by initialing by the Examiner on PTO/SB08/A form, so that they will appear on the face of the patent issuing on the present application.

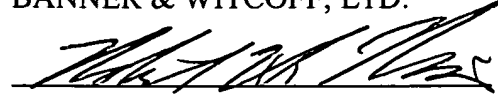
The present disclosure statement is being submitted on compliance with 37 C.F.R. §1.56 as an Examiner might consider the cited documents important in deciding whether to allow the application to issue as a patent, but the citation of such documents are not to be construed as an admission that such documents are necessarily relevant or prior art. No representation is intended that the cited documents represent the results of a complete search, and it is anticipated that the Examiner, in the normal course of examination, will make an independent search and will determine the best prior art, and in the course of such search, will review for relevance the documents cited on the attached form even if not initialed.

Early and favorable consideration is earnestly solicited.

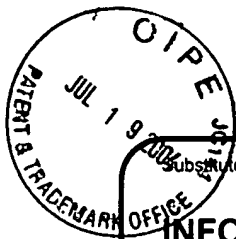
Respectfully submitted,
BANNER & WITCOFF, LTD.

Dated: July 19, 2004

By:

A handwritten signature in black ink, appearing to read "Robert H. Resis", written over a horizontal line.

Robert H. Resis
Reg. No. 32,168



PTO/SB/08a (08-03)
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

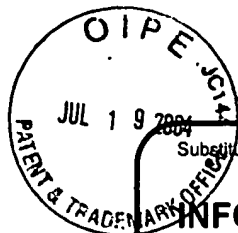
Sheet 1 of 3

Complete if Known

Application Number	10/826,088
Filing Date	April 16, 2004
First Named Inventor	Christenson et al.
Art Unit	3746
Examiner Name	(TBA)
Attorney Docket Number	11738.00219

U.S. PATENT DOCUMENTS

Examiner Initials *	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
		2,804,023	08-27-57	J.C. Lee	
		2,920,578	01-12-60	Schaurte	
		3,644,068	02-22-72	Lepak	
		3,822,948	07-09-74	Handl	
		3,885,894	05-27-75	Sikes	
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		3,927,955	12-23-75	Spinosa et al.	
		3,960,466	06-01-76	Taylor	
		3,963,023	06-15-76	Hankinson	
		3,990,444	11-09-76	Vial	
		4,012,177	03-15-77	Yakich	
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		4,525,164	06-25-85	Loeb et al.	
		4,545,744	10-08-85	Weber et al.	
		4,564,342	01-14-86	Weber et al.	
		4,576,556	03-18-86	H. J. Thompson	
		4,650,471	03-17-87	Tamari	
		4,685,902	08-11-87	Edwards et al.	
		4,692,147	09-08-87	Duggan	
		4,950,136	08-21-90	Haas et al.	
		5,064,358	11-12-91	Calari	
		5,082,429	01-21-92	Soderquist et al.	
		5,083,908	01-28-92	Gagnebin et al.	
		5,096,393	03-17-92	Van Steenderen et al.	
		5,125,801	06-30-92	Nabity et al.	
		5,213,483	05-25-93	Flaherty et al.	
		5,215,450	06-01-93	Tamari, Yehude	
		5,266,013	11-30-93	Aubert et al.	
		5,405,614	04-11-95	D'Angelo et al.	
		5,576,503	11-19-96	Nabity et al.	
		5,578,001	11-26-96	Shah	
		5,741,125	04-21-98	Nefel et al.	
		6,752,930	05-19-98	Rise et al.	



Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 2 of 3

Complete if Known

Application Number	10/826,088
Filing Date	April 16, 2004
First Named Inventor	Christenson et al.
Art Unit	3746
Examiner Name	(TBA)
Attorney Docket Number	11738.00219

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Examiner Initials *	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
		5,840,069	11-24-98	Robinson	
		5,915,932	06-29-99	Nabity et al.	
		6,036,459	03-14-2000	Robinson	
		6,626,867	09-30-2003	Christenson et al	
		6,645,176	11-11-2003	Christenson et al	
		6,745,204	06-01-2004	Christenson et al	

FOREIGN PATENT DOCUMENTS

Examiner Initials *	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
		GB 681	05-01-1902	United Kingdom		
		FR 2 021 524	07-24-70	Kustner Freres & Cie, S.A.		
		DE 24 52 771 A1	05-13-76	Schollmeyer		
		SU 547550	02-25-77	Earbheerb		X
		EP 0 174 535 A1	03-19-86	Linnhoff & Thesenfitz		
		EP 0 239 255	09-30-87	McNellab, Inc.		X
		DE 3737023	07-14-88	Jenoptik Jena GmbH		X
		EP 0 320 441	06-14-89	Gebruder Sulzer		
		EP 0 344 640 A1	12-06-89	Valisi Giuseppe		X
		FR 2 644 853 A1	09-28-90	Asulab, S.A.		X
		EP 0 547 550 A1	06-23-93	Matsushita Electric		X
		FR 2 719 873 A1	11-17-95	Debiotech, S.A.		X
		FR 2 808 203	11-02-2001	Medtronic, Inc.		
		DE 101 19 391	11-29-2001	Allgemeine Telefon-Fabrik		X

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

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Sheet 3 of 3

Complete if Known

Application Number	10/826,088
Filing Date	April 16, 2004
First Named Inventor	Christenson et al.
Art Unit	3746
Examiner Name	(TBA)
Attorney Docket Number	11738.00219

NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		OEM Custom Pump Catalog, Watson-Marlow Bredel OEM Catalog, Publication date 03/00	
		Sta-Pure Peristaltic Pump Tube, Watson-Marlow Bredel Pump Brochure	
		OEM: Peristaltic Pumps for Engineers, Watson-Marlow Limited Pump Brochure	

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

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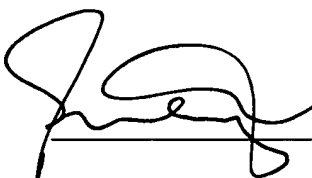


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(PATENT)**

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Deposited July 19, 2004

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By:  _____

Patent Application of: Christenson et al.

Title: Implantable Drug Delivery Device with Peristaltic Pump having A Retractable Roller

Serial No. 10/826,088

X	Transmittal (in duplicate)
X	Information Disclosure Statement
X	PTO/SB08A-B forms
X	17 references
X	Return Receipt Postcard

Attorney Docket No.: 11738.00219

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Ten S. Wacker Drive, Suite 3000
Chicago, Illinois 60606
Telephone: (312) 715-1000